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REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the following remarks.

Claims 1-3 and 12-13 are pending in the application. Claims 4-11 and 14-19 have been cancelled. New claims 20-23 have been introduced. Support for the amendments to the claims can be found throughout the specification and claims as originally filed. No new matter has been introduced by the instant amendments. Applicants reserve the right to pursue subject matter cancelled from the amended claims in this or a subsequent application. Applicants expressly reserve the right to pursue the subject matter of the cancelled claims in this or a subsequent application.

The specification as been objected to because the Abstract is allegedly not in the correct format and the title of the invention is allegedly not descriptive

The Abstract and Title of the invention, as amended, should obviate the objections.

The application package as originally filed included Figures 1 and 2 attached to the back of the specification. A copy of the mailroom postcard indicating receipt of the drawings and a copy of Figures 1 and 2 as originally filed are enclosed.

Claims 12 and 13 were objected to under 37 CFR 1.75(c) as being allegedly in improper format because these claims are multiple dependent claims from both claims 3 and 1.

Claim 3 has been cancelled without disclaimer or prejudice in the instant amendment. Claims 12 and 13, as amended, depend solely from claim 1. Thus, the objection to the claims under rule 1.75 should be withdrawn.

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Claims 1-3 and 12-13 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claim 1, as amended, and new claim 20 include language in the preamble that the claimed peptide is an "isolated" peptide which is sufficient to differentiate from exogenous protein present in its natural state. Thus, claims 1 and 20 are directed to statutory subject matter and the rejection should be withdrawn.

Claims 1 and 2 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 12, and 13 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement.

Claims 1, 2, 12, and 13 as amended, and new claims 20-23 are fully compliant with the requirements of 35 U.S.C. §112, including the requirements of §112, first and second paragraph. Applicants request withdrawal of the rejection and reconsideration of the instantly presented claims.

Claim 3 was rejected under 35 U.S.C. 102(b) as being anticipated by Smith.

Claim 3 has been cancelled without prejudice or disclaimer. Applicants reserve the right to address the instant rejection upon representation of a claim directed to the subject matter of currently cancelled claim 3.


Reconsideration of the application and claims as amended is earnestly solicited.

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Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

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